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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,252	08/23/2001	Makoto Kawamura	450100-3584.1	2011
20999	7590	12/28/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			CHEVALIER, ROBERT	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/938,252

Applicant(s)

KAWAMURA ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 94-154 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 94-154 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 124, 129, and 135, are rejected under 35 U.S.C. 101 because the claim is directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical “things” nor statutory processes. See, e.g. Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 94-154 are rejected under 35 U.S.C. 102(e) as being anticipated by Cookson et al (WO 95/12275) .

Cookson et al discloses a video reproducing apparatus that shows all the limitations recited in claims 94, 135, and 139, including the feature of the video

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information representative of a coded video program (See Cookson et al's Figure 8), the feature of the control information for displaying a plurality of versions of recorded video program and wherein the control information includes address information indicative of the locations of portions of the video information that are sequentially accessed to generate the version (See Cookson et al's claim 2), and the feature of multiplexing the control information with the video information and, positioning the control information at an entry point of the video information as specified in the present claims 94, 135, and 139. (See Cookson et al's Figures 7a-b, and the corresponding disclosure where it is shown control information and video data in the block).

With regard to claims 95, 101, 107, 113, 119, 125, 130, the feature of the video information including intracoded and interceded pictures as specified thereof is present in Cookson et al. (See Cookson et al's Figure 8).

With regard to claims 96-97, 102-103, 108-109, 114-115, 120-121, 126-127, 131-132, the feature of the address information being indicative of entry point for at least one of the versions as specified thereof is present in Cookson et al. (See Cookson et al's claim 2).

With regard to claims 98, 104, 110, 116, 122, 128, 133, the feature of the control information including the playtime information for at least one of the versions as specified thereof is present in Cookson et al. (See Cookson et al's page 31, lines 3-25, and page 32, lines 13-19).

With regard to claims 99, 105, 111, 117, 123, 134, the feature of the version generated according to a rating level as specified thereof is present in Cookson et al. (See Cookson et al's page 29, lines 4-15).

With regard to claims 100, 106, 124, 139, 143, it is noted that Cookson et al discloses all the features recited thereof, including the feature of having the multiplexed signal of the coded video data and the control information being recorded on the recording medium as specified in the present claims 100 and 106. (See Cookson et al's Figures 7a-b, and the corresponding disclosure, where it is shown control information and video data in the block recorded on the recording medium).

With regard to claims 112, 118, 129, 147, and 151, the feature of reproducing from the recording medium the multiplexed information of the video information and the control information and demultiplexing the multiplexed information, and further the feature of linking the reproduced sections from the recording medium to generate at least one of the programs versions, and the feature of the path information including positional information indicative of a next section to be reproduced following reproduction of the currently reproduced section as specified thereof is present in Cookson et al. (See Cookson et al's Figure 2, and claim 2).

With regards to claims 136-138, 140-142, 144-146, 148-150, and 152-154, the feature of the path information including positional information indicative of a section start or end of a reproduced section as specified thereof would be present in the cited reference of Cookson et al. Because, Cookson et al already discloses the capability of

jumping from one section to a next section so as to sequentially reproduce a version of the program. (See Cookson et al's claim 2).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iverson et al discloses a playback apparatus for playing back different versions of video information from a recording medium.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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B. Chevalier  
December 22, 2005.

*Robert Chuah*  
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DEC 22 2005